

01-001 DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES

DIVISION OF PLANT INDUSTRY

Chapter 266: HEMLOCK WOOLLY ADELGID QUARANTINE

SUMMARY: This chapter establishes a quarantine against the Hemlock Woolly Adelgid to prevent its ~~introduction and spread into~~ the State, in order to protect Maine's forest, timber and wildlife resources from this destructive pest.

~~Section I: STATUTORY AUTHORITY.~~

~~The statutory authority for these regulations is 7 M.R.S.A., Chapter 409, Sections 2301-2303.~~

~~Section II: HEMLOCK WOOLLY ADELGID QUARANTINE.~~

~~A quarantine is established against the following pest and possible carriers.~~

~~A. Pest. Hemlock Woolly Adelgid (*Adelges tsugae* Annand).~~

~~B. Area Under Quarantine. In the northeastern United States, counties included in the USDA Forest Service's publication entitled "List of Counties and States with Known Hemlock Woolly Adelgid Infestations" dated December, 2000.~~

~~In the western United States, the State of Alaska, the State of California, the State of Oregon and the State of Washington.~~

~~C. Regulated articles. Hemlock seedlings and nursery stock, logs, lumber with bark, chips with bark, and uncomposted shipments of bark.~~

~~D. Restrictions. All regulated articles having originated or previously been held in an area under quarantine are prohibited entry into the State of Maine except as specifically allowed and conditioned below.~~

~~1. Hemlock seedlings and nursery stock originating from or having previously been held in an area under quarantine are prohibited entry into Maine.~~

~~2. Hemlock seedlings and nursery stock from non-quarantined areas shipped into Maine must be accompanied by a State Phytosanitary Certificate, or a Certificate of Origin, indicating the number and type of regulated articles, and attesting to the fact that the regulated articles:~~

~~a. originated from a non-quarantined area;~~

~~b. have not been held in an area under quarantine; and~~

~~c. have not been exposed to regulated articles from quarantined areas.~~

~~A copy of the State Phytosanitary Certificate or Certificate of Origin must be signed by a plant regulatory official in the originating state and upon issuance must be faxed to the Division of Plant Industry, at (207)287-7548 or such other fax number as the Division may from time to time publish. A copy must also be mailed to the Division of Plant Industry, 28 State House Station, Augusta, Maine 04333, within 3 days of issuance.~~

~~3. Hemlock seedlings and nursery stock which have been transported through an area under quarantine are prohibited entry into Maine except in accordance with the following conditions:~~

~~a. the vehicle transporting the regulated articles must be enclosed by a covering adequate to prevent the introduction of Hemlock Woolly Adelgid (such as canvas, plastic, or closely woven cloth), or must be in an enclosed trailer body;~~

~~b. the regulated articles were not off-loaded in the area under quarantine; and~~

~~c. no regulated articles were added to the shipment in the quarantined area.~~

~~4. Hemlock logs, lumber with bark, chips with bark, and uncomposted shipments of bark from quarantined and non-quarantined areas may be imported into Maine provided that said material is shipped only to sites within Maine that are preapproved by the Maine Forest Service, Department of Conservation.~~

~~E. Violations:~~

~~1. Any written agreement to ship hemlock logs, lumber with bark, chips with bark, and uncomposted bark from quarantined and non-quarantined areas to~~

~~preapproved sites in Maine may be canceled by the Maine Forest Service if the person who entered into it fails to comply with the provisions of this rule. If the person has been given notice of cancellation orally, written confirmation of the decision and the reasons for it will be provided within 10 working days. Written agreements may be reinstated by the Maine Forest Service if it finds that the reason(s) for cancellation has (have) been rectified.~~

~~2. Any person found to violate any provision of this quarantine is guilty of a Class E crime.~~

Section 1: HEMLOCK WOOLLY ADELGID QUARANTINE.

1. Pest. A quarantine is established against Hemlock Woolly Adelgid (*Adelges tsugae* Annand) and possible carriers.
2. Regulated articles: Plants and plant products of hemlock (*Tsuga* spp.) listed below:
 - A. Seedlings,
 - B. Nursery Stock,
 - C. Logs,
 - D. Lumber with bark,
 - E. Chips with bark, and
 - F. Uncomposted shipments of bark.
3. Area Under Quarantine:
 - A. In Maine, in York County the towns of Eliot, Kittery, Ogunquit, South Berwick, Wells and York. Sub county designation is based on standardized annual survey of all towns within the county.
 - B. In the eastern United States, counties included in the USDA Forest Service's publication entitled "List of Counties and States with Known Hemlock Woolly Adelgid Infestations" dated February 2007 or subsequent updates.

C. In the western United States, the State of Alaska, the State of California, the State of Oregon and the State of Washington.

Section 2. Restrictions from quarantine areas: All regulated articles having originated or previously been held in an area under quarantine are prohibited entry into the State of Maine except as specifically allowed and conditioned below.

1. Hemlock seedlings and nursery stock originating from or having previously been held in an area under quarantine are prohibited entry into Maine unless treated by a method approved by the Director of Plant Industry.
2. Hemlock seedlings and nursery stock which have been transported through an area under quarantine are prohibited entry into Maine except in accordance with the following conditions:
 - A. The vehicle transporting the regulated articles must be enclosed by a covering adequate to prevent the introduction of Hemlock Woolly Adelgid (such as canvas, plastic, or closely woven cloth), or must be in an enclosed trailer body,
 - B. The regulated articles were not off-loaded in the area under quarantine, and
 - C. No regulated articles were added to the shipment in the quarantined area.
3. Hemlock logs, lumber with bark, chips with bark, and uncomposted shipments of bark from quarantined areas may be imported into Maine provided that said material is shipped only to sites within Maine that are preapproved by the Maine Forest Service, Department of Conservation.

Section 3. Restrictions from non-quarantined areas: All regulated articles originating from non-quarantined areas are prohibited into Maine unless articles meet the following criteria listed below.

1. Hemlock seedlings and nursery stock from non-quarantined areas shipped into non-quarantined areas in Maine must be accompanied by a State Phytosanitary Certificate, or a Certificate of Origin, indicating the number and type of regulated articles, and attesting to the fact that the regulated articles:
 - A. Originated from a non-quarantined area,
 - B. Have not been held in an area under quarantine, and

C. Have not been exposed to regulated articles from quarantined areas.

2. A copy of the State Phytosanitary Certificate or Certificate of Origin must be signed by a plant regulatory official in the originating state. A copy must also be faxed, emailed or mailed to the Division of Plant Industry, 28 State House Station, Augusta, Maine 04333, within 3 days of issuance.
3. Hemlock logs, lumber with bark, chips with bark, and uncomposted shipments of bark from non-quarantined areas may be imported into Maine provided that said material is shipped only to sites within Maine that are preapproved by the Maine Forest Service, Department of Conservation.

Section 4. Violations.

1. Any written agreement to ship hemlock logs, lumber with bark, chips with bark, and uncomposted bark from quarantined and non-quarantined areas to preapproved sites in Maine may be canceled by the Maine Forest Service if the person who entered into it fails to comply with the provisions of this rule. If the person has been given notice of cancellation orally, written confirmation of the decision and the reasons for it will be provided within 10 working days. Written agreements may be reinstated by the Maine Forest Service if it finds that the reason(s) for cancellation has (have) been rectified.
2. Any person found to violate any provision of this quarantine is guilty of a Class E crime.

AUTHORITY: 7 M.R.S.A. Chapter 409 §§ 2301-2303.

EFFECTIVE DATE:

October 1, 1988

AMENDED:

January 10, 2001

July __, 2007